

**MINUTES
of the
SIXTH MEETING
of the
MILITARY AND VETERANS' AFFAIRS COMMITTEE**

**November 17, 2014
Room 309, State Capitol
Santa Fe**

The sixth meeting of the Military and Veterans' Affairs Committee was called to order by Representative Rodolpho "Rudy" S. Martinez, co-chair, on November 17, 2014 at 9:20 a.m. in Room 309 of the State Capitol in Santa Fe.

Present

Sen. Richard C. Martinez, Co-Chair
Rep. Rodolpho "Rudy" S. Martinez,
Co-Chair
Sen. William F. Burt
Rep. Nathan "Nate" Cote
Rep. Dianne Miller Hamilton
Sen. William H. Payne
Rep. Bob Wooley

Absent

Sen. Daniel A. Ivey-Soto

Advisory Members

Rep. Eliseo Lee Alcon
Rep. Thomas A. Anderson
Sen. Carlos R. Cisneros
Sen. Timothy M. Keller
Rep. Edward C. Sandoval
Rep. Jeff Steinborn

Sen. Craig W. Brandt
Rep. George Dodge, Jr.
Rep. Yvette Herrell
Sen. John Pinto
Sen. Cliff R. Pirtle
Rep. Dennis J. Roch

Staff

Jeret Fleetwood, Researcher, Legislative Council Service (LCS)
Peter Kovnat, Staff Attorney, LCS
Kathleen Dexter, Researcher, LCS

Minutes Approval

Because the committee will not meet again this year, the minutes for this meeting have not been officially approved by the committee.

Guests

The guest list is in the meeting file.

Handouts

Copies of all handouts and other written testimony are in the meeting file.

Monday, November 17

Veterans' Procurement Preference Assessment

Alan Martinez, deputy secretary, Veterans' Services Department (VSD), gave a presentation in response to House Memorial 1 (2014) on the oversight, implementation and effectiveness of the resident veteran-owned business preference in state procurement. After meetings with members of the veteran business community, state agency personnel, procurement officers and representatives of the construction industry, the VSD found that there is no oversight of the program, no standard practice across agencies implementing the preference and no clear definition of the aggregate annual cap for the preference. The statute that established the preference is seen by many veteran-owned businesses and procurement officers as too vague in certain respects and too complicated in others. Revisions that are currently being considered in an effort to make the preference available to more, and smaller, veteran-owned businesses include:

- (1) for construction procurement:
 - (a) limiting eligibility for the preference to a one-time, three-year period within the first six years after a veteran-owned business receives its business license;
 - (b) limiting the advantage to five percent, regardless of company size;
 - (c) limiting application to contracts of \$300,000 or less; and
 - (d) eliminating the aggregate annual cap; and
- (2) for goods and services procurement:
 - (a) imposing the same limitations as on construction contracts;
 - (b) eliminating the aggregate annual cap;
 - (c) limiting eligibility to businesses with no more than 49 full-time employees; and
 - (d) limiting application to contracts of \$100,000 or less.

Deputy Secretary Martinez also introduced the new secretary-designate of veterans' affairs, Brigadier General (retired) Jack R. Fox.

National Guard of New Mexico State Defense Force Update

Brigadier General Andrew E. Salas, adjutant general, National Guard of New Mexico (NGNM), opened his presentation by honoring the four veterans on the committee who would not be returning in 2015 — Representatives Anderson, Cote, Martinez and Sandoval.

Joined by Major Raymond Chung, NGNM staff judge advocate; Brigadier General David Torres, NGNM assistant adjutant general; and Brigadier General Juan Griego, NGNM deputy adjutant general, General Salas addressed concerns regarding the State Defense Force (force),

also referred to as the state's "militia". Though the force was established by statute within the Department of Military Affairs (DMA), it received little oversight by the DMA until a "reset" initiative in 2013. The initiative tightened the force's structure, required all personnel to reapply, developed a proposed organizational structure and routed all new officer appointment recommendations to the governor for consideration, in part to address concerns that force members could "buy their ranks". Residents ages 18 through 64 qualify for the force (the DMA is considering raising the age limit to 74), though certain applicants are not accepted, including those who do not meet minimum physical requirements, anyone considered subversive or disloyal to the state or federal government and members of paramilitary training organizations. Types of duty include "militia duty", when the force is called for service by the governor following mobilization of the NGNM, and "cadre duty", which is primarily periodic training. Members of the force who report to militia duty are entitled to some of the same benefits and protections afforded to deployed NGNM members, including military leave with pay from their civilian employers and protection from subsequent workplace discrimination due to their absence. The presenters described two pending court actions brought by NGNM members who claim that their employers, one of which was a state agency, violated these protections.

On questioning, the presenters and committee members noted that:

- (1) the force receives minimal funding through the VSD, and it is solely for administrative supplies;
- (2) force members on cadre duty receive no per diem or mileage reimbursements and, after discharge from the force, receive no benefits;
- (3) the force recruits through veteran service organizations;
- (4) women may be members of the force, and they must meet the same requirements as male members;
- (5) while the initial goal was that the force be 10 percent the size of the NGNM, it has historically had only 50 to 60 members statewide; optimally, it would increase to 200 members organized in a battalion structure with regional units; and
- (6) state statute is unclear regarding employment protections for NGNM and force members under the federal Uniformed Services Employment and Reemployment Rights Act of 1994; in response to a member's suggestion that Major Chung work with committee staff to draft legislation to "close the loopholes" in statute, General Salas deferred and said that he would run the suggestion through his "channels".

Goodwill Homeless Veterans Reintegration Program

Sesha Lee and Secret Wimberly, case managers for the Homeless Veteran Reintegration Program (HVRP) at Goodwill Industries of New Mexico, gave an overview of veteran-specific

services provided by Goodwill. In addition to job development skills training and brain injury case management services available to anyone in the community through Goodwill, the HVRP provides rapid re-housing for homeless veterans and their families, as well as employment services and case management to help homeless veterans transition into long-term, stable employment. The HVRP Trialworks Program trains veterans in retail, recycling, transportation and warehouse work, and participating veterans receive minimum wage during their training period. Since its launch in August 2013, the HVRP has placed 81 veterans in sustainable employment — a placement rate of 65 percent in 2013 and 80 percent in 2014. The program currently serves Bernalillo, Valencia, Tarrant and Sandoval counties, and Goodwill is looking to expand it to other counties in the future.

On questioning, the presenters clarified that while the majority of funding for Goodwill programs come from store sales, the HVRP receives its funding through two federal grants:

(1) the employment assistance portion of the HVRP is funded by a federal Department of Labor (DOL) grant; and

(2) the rapid re-housing portion of the HVRP is funded by a grant from the federal Department of Veterans Affairs (VA).

In order for the employment assistance portion of the HVRP to expand into southern New Mexico, the DOL would have to issue a request for proposals for services in that area.

Minutes

On a motion duly made, seconded and unanimously adopted, the minutes from the October 29, 2014 meeting were approved.

Veterans Wellness and Healing Center

Chuck Howe, board president, National Veterans Wellness and Healing Center of Angel Fire, Inc., reported that the center graduated 10 couples earlier in the month from its first retreat for veterans suffering from posttraumatic stress disorder (PTSD) and their spouses. The retreats are funded through the Behavioral Health Services Division of the Human Services Department, with 90 couples to be served per year over a four-year contract. While the state funding is earmarked for treating New Mexico veterans and their spouses, the center also receives private funding, which covers participation by veterans from outside the state.

Public Comment

Dave Pineda, commander, American Legion Post 17, expressed concern over a question on the VA disability registration form regarding spouse and ex-spouse income, stating that he and other veterans from his post feel the question is inappropriate when determining disability status.

- ★ On a motion duly made, seconded and unanimously adopted, committee staff was directed to draft a letter to the secretary of veterans' services, with copies to members of the New Mexico congressional delegation and the director of the VA, inquiring why the VA disability registration form includes this question.

Consideration of Legislation for Endorsement

In discussion of which proposed legislation would receive a committee endorsement, committee members voted on motions duly made and seconded to:

(1) endorse a \$300,000 appropriation to the VSD to purchase vehicles for outreach services in rural areas of the state; the bill will also go to the Indian Affairs Committee for possible dual endorsement (**.198028.1** — unanimously adopted — Representative Alcon will sponsor);

(2) endorse a \$100,000 appropriation to the to DMA for outreach and education projects to promote the *USS New Mexico* and *USS Santa Fe* and to help retire the *USS Albuquerque* (**.198015.1** — unanimously adopted — Representative Wooley will sponsor);

(3) endorse a \$2 million appropriation to the New Mexico Mortgage Finance Authority to rehabilitate homes occupied by low-income veterans whose income does not exceed 60 percent of the area median income, with a 10 percent cap on administrative fees (**.197572.1** — unanimously adopted — Senator Martinez and Representative Roberto "Bobby" J. Gonzales will sponsor); and

(4) not endorse a \$200,000 appropriation to Western New Mexico University (WNMU) for a PTSD treatment program using virtual reality (**.198031.1** — Representatives Cote and Martinez and Senators Martinez, Payne and Burt voted for the motion to not endorse — Representatives Hamilton and Wooley voted against the motion to not endorse).

In discussion of the appropriation to WNMU, Representative Hamilton clarified that the funding would be used to finish training on the virtual reality treatment process and equipment and to conduct the treatment on a pilot group of 10 veterans. Initial funding for the program — \$100,000 from House Bill 2 (2013) and \$80,000 from the governor's discretionary funds — was used to hire two staff members and to rent the equipment.

Disabled American Veteran Equipment and Services Program (DAVES)

Lieutenant Colonel (retired) Rudy C de Baca, director, DAVES, gave a presentation on his efforts to launch a nonprofit corporation to provide jobs to disabled, homeless and unemployed veterans in northern New Mexico. Operating out of a facility identified in Española, DAVES would focus initially on contracts for clothing and equipment manufacturing and equipment refurbishment. Following that, DAVES would expand into providing veterans' services based in regional "hub zones" and centers where veterans can get services without needing an appointment. Colonel C de Baca projects that DAVES will create 50 jobs in its first

year and hopes to get wage assistance from the Workforce Solutions Department and possible start-up funding from the state. Committee members advised him to contact the VSD.

Naprapathy for Treatment of PTSD

Patrick Nuzzo, D.N., founder, Southwest University of Naprapathic Medicine, Sergeant Christopher Field and Sergeant Dan Gandee spoke of the benefits of treating PTSD with naprapathy, a non-drug treatment modality based on physical manipulation. Sergeants Field and Gandee, whose PTSD stems from deployments in Afghanistan and Beirut, respectively, were both treated as part of Dr. Nuzzo's pilot program using naprapathy for PTSD. Both report positive results from the treatment after other types of PTSD treatment had been unsuccessful. Dr. Nuzzo plans to treat 50 veterans in an expansion of his program, and while the veterans will receive their treatments for free, Dr. Nuzzo requests that the state provide funding to hire a survey company to collect and compile data on patient outcomes.

- ★ Committee staff will work with Dr. Nuzzo to draft a special appropriation to compile data gathered from naprapathic PTSD treatment in 50 veterans. Representatives Hamilton and Wooley will sponsor the legislation, and though it did not receive a committee endorsement because it had not yet been drafted for committee consideration, the sponsors are authorized to state that the committee endorsed the legislation "in concept".

Adjournment

The committee adjourned at 4:15 p.m.